

A.—Sri H. K. VEERANNA GOWDH (Minister for Public Works and Electricity).—

(a) Yes.

(b) No.

### BUSINESS OF THE HOUSE

Sri B. SHAM SUNDER (Belgaum II).—Sir, I want to know till what date we are sitting. It is still uncertain; it is very bad.

Sri J. B. MALLARADHYA (Nanjangud).—Sir, it has been my misfortune as a member on this side to be kept in a perfect state of uncertainty and doubt. Sir, the Hon'ble Chief Minister is an adept in the art of prevarication. We are asking that the Electricity Board report, the Public Service Commission report, of the Public Accounts Committee must be discussed in this House including the G. O. on Nagan Gowda's report. The Business Advisory Committee has not met and we have not decided the matter beyond land reforms bill. Now, in the news papers we read that the Congress party has taken a decision to close the session on 12th and reassemble after Dasara. I do not object the Ruling Party taking any decision. But without reference to the opposition, this is done and we are kept in dreadful suspense. We should like to know from the Chief Minister as to why he persists in taking a unilateral decision and keep the Chair also in suspense.

Sri B. D. JATTI (Chief Minister).—Sir, I wanted to consult the Leader of the Opposition and also the Chair. But, on that day we could not meet. To-day, we shall meet during tea time and decide. If something has appeared in the news paper, I do not how it is appeared.

### MYSORE LAND REFORMS BILL, 1961 AS REPORTED BY JOINT SELECT COMMITTEE CLAUSE BY CLAUSE CONSIDERATION

†Sri J. B. MALLARADHYA.—Sir, I was speaking about the amendment moved by the Minister for Revenue to item 31 to sub-clause (1) of clause 2. The Hon'ble Revenue Minister seems to be in a quandry during the last few days.

Sri KADIDAL MANJAPPA.—I am on safe ground.

Sri J. B. MALLARADHYA.—Having the backing of the brute majority, you are always on the safe ground. Sir, I am not making any personal allegations against the Revenue Minister. Sir, on the 7th of this month, the Hon'ble Revenue Minister sent an amendment to item (31) as follows:

“For item (31), the following item shall be substituted:  
'small holder' means a land-owner owning land not exceeding

*Hosahalli*

- 12 Kulla Reddy.  
13 Sunka Reddy.

*Maragondanahalli.*

- 14 R. Krishnappa.

*Valagerekallahalli.*

- 15 Papiiah.

*Hebbagodi.*

- 16 H. D. Narayana Reddy.  
17 Bya Reddy.

*Guddahatti*

- 18 Patel Nanjunda Reddy.  
19 Ramaiah.

*M. Lingapura.*

- 20 Rama Rao *alias* Ramauath.  
21 Munivenkatappa.  
22 Madappa Patel.

OPENING OF A COMBINED HOSPITAL AT NUGGEHALLI IN  
CHANNARAYAPATNA TALUK.

\*Q.—1043. Sri N. G. NARASIMHE GOWDA (Sravanabelagola).—

Will the Government be pleased to state:—

(a) whether they are aware of the representations for opening  
a Combined Hospital at Nuggehalli in Channarayapatna Taluk;

(b) whether they would sanction a Combined Hospital to  
Nuggehalli early?

A.—Sri K. K. HEGDE (Minister for Health)

(a) No.

(b) This will be examined.

CONSTRUCTION OF A BRIDGE ACROSS HEMAVATHI RIVER  
NEAR GANNIKADA IN CHANNARAYAPATNA TALUK

\*Q.—1044. Sri N. G. NARASIMHE GOWDA (Sravanabelagola).—

Will the Government be pleased to state:—

(a) whether they are aware that the people of Holenarasipur  
and Channarayapatna Taluks including the M. L. A.'s of the taluks are  
urging since several years for constructing a bridge across Hemavathi  
river near Gannikada in Channarayapatna Taluk;

(b) whether they intend sanctioning the same early?

four standard acres and whose principal source of income is the income by the cultivation of such land."

On the 8th he sends another amendment, which says that the small holder means a landlord owning not exceeding two basic holdings whose net annual income from all sources including the income from the land does not exceed Rs. 1,200. Sir, it is impossible for us, on this side of the House, to ascertain exactly how the mind of the Revenue Minister and his Hon'ble Colleagues and supporters is functioning; we really cannot understand.

At no stage throughout the lay-out of this entire Bill, the question of fixing the limit of holding or basic holding, family holding, has ever been related to the income derived from that land. That particularly in respect of a small holder is sought to be introduced. I do not understand. Sir, this is why I said even in the beginning, there is a lot of vacillation, shifting of ground and uncertainty. In fixing the unit for small holder, there are two factors which have to be taken into consideration,—what is called the concept of operational unit and the concept of standard of living. In suggesting five standard acres. I never had at the back of my mind anything connected with the holders being appointed or being on any other business. When I had suggested five standard acres. I had in mind question of intensive cultivation. It was related to basic holding and family holding. In a State like Kerala, as referred by my colleague Sri V. S. Patil, a small holder is expected to hold not less than five and not more than 10 acres. We are calling ourselves in Mysore that we have brought a very progressive legislation, we in this State are taking courage by patting ourselves on the back that we have brought a very progressive legislation to guard the interests of small holders and raiyats. Against this background you must also consider what is the economic holding? I say that these five standard acres represent what in my conception is an economic holding. I need hardly mention what I mean by economic holding. It is the minimum area needed to ensure a reasonable standard of living for a family consisting of less than five people. Supposing we accept the amendment proposed by the Hon'ble Revenue Minister when he suggests 4 acres, and man still gets more than 2,000, what is the machinery that he proposes to set up in order to restrict that income? Are you going to take back one acre? It looks so fantastic. Let him not accept my amendment of 5 acres. Supposing you give him four acres and the man has also other sources of income? Do you want his total income from all sources should not exceed 1,200? Is this the way you promote intensive cultivation? Supposing that man has 2 acres which is the basic holding and he gets 2,000. What restriction are you going to impose? With reference to the figures furnished in the Jatti Committee Report, I find that more than 47.18 holdings are up to 5 acres,—ranging from  $\frac{1}{2}$  to 5—there are 11,64,334 such holdings; and the number of holdings which are in excess of 5 but less than 10 acres are, 5,40,554 which represents 28.89 per cent. Therefore, out of the total area, about 75

(Sri J. B. MALLARADHYA)

per cent represents small holders in the State. I am asking, is this legislation intended to guard the interests of the small holders? Why are you so niggardly? When the Ruling Party decided on two acres for small holder is the basic holding, I suggested 5. Now they come forward with a compromise resolution by way of an amendment making it four. I say, why should you be niggardly? You have accepted the idea involved in my amendment suggesting five acres. I therefore consider Sir, looked at from any point of view your suggestion of 1,200 income and 4 acres is very niggardly. I am quite willing to accept 4 standard acres. I do not want to insist on five acres, but not these words 'not exceeding Rs. 1,200'. Sir, on more than one occasion, the Revenue Minister has said that we should think of evolving a new set up and when we are evolving a new social order, there should be a psychological feeling and we have got to inspire the feelings and influence the minds of all. All that is all right. Yesterday, my Hon'ble colleague Sri K. Puttaswamy was making valiant plea on behalf of raiyats. He asked pertinent questions from his own point of view. He asked, whether a raiyat's son should not join a Medical College or an Engineering College and whether he should not have a reasonable standard of comfort. A Party which wants 54 standard acres for a reasonable standard as ceiling, should there be no flooring from the point of view of the small holder? Do you think that five standard acres is excessive? There is such a divorce between the profession and practice of the Ruling Party headed by the Revenue Ministers who is proclaiming ideals from house-tops. I want him really to give concrete shape to the fond hopes and come to the rescue of the small holder. It is a very inconsequential amendment suggested by me. After all, how many people are going to benefit by it? As I said, the bulk of raiyats in the rural areas are small holders and it is in the interests of intensive cultivation, it is in the interest of increased agricultural production in the State. I want the Hon'ble Minister to accept my amendment and agree to take away these words 'not exceeding 1,200'. Looked at from any point of view, it is illogical and on that score, it is unacceptable and I oppose the amendment.

Sri C. M. ARUMUGHAM.—Mr. Speaker Sir, you were kind enough to allow the Minister to move an oral amendment. Is it allowed to move an oral amendment at this stage also Sir?

Sri B. K. PUTTARAMAIA (Channapatna).—My friend is not aware of the abundant power of the Speaker.

Sri C. M. ARUMUGHAM.—I know it. Things are going on like this.

Mr. SPEAKER.—This is typed. I am sorry that it has not been made available. It is a very small amendment.

Sri C. M. ARUMUGHAM.—Please have it circulated and we will meet after half-an-hour.



Mr. SPEAKER.—I am sorry ; we have gone too far. We cannot stop at this stage.

Sri J. B. MALLARADHYA.—There is another aspect which I would like to place before the Hon'ble Speaker. If that is allowed in this particular case it means that in respect of every amendment there would be a repetition of the same procedure. That is a point with reference to which I take objection. It is in nature of a substantial amendment to his original motion. That is why I brought to the notice of the Hon'ble Speaker that is original amendment was dated 7th of this month the second amendment was dated 8th. We are discussing the second amendment on the 9th and it is unfortunate that the Members should not have copies of the second amendment.

9-30 A.M.

We are not blaming the office. If the Revenue Minister goes on giving amendments as and when he likes he must also take into consideration the limitations of the Secretariat.

Sri KADIDAL MANJAPPA.—There have been plenty of instances in this House when amendments were moved with shorter notice on the other side. We have not objected to them. Yesterday no-doubt I tabled 2 amendments on the same question. I do not deny. But this amendment was moved and discussion on that has gone on.

Sri V. SRINIVASA SHETTY.—It is a fact that the amendment was moved and discussion began and we did not object to it then, but are we not entitled to get copies of the amendment to move any amendment to the amendment which we want ? Unfortunately only Sri Mallaradhyia got a copy of the amendment.

Sri K. S. SURYANARAYANA RAO.—We had given a copy to him.

Sri V. SRINIVASA SHETTY.—Is one copy sufficient for the whole House ? Are we not entitled to move amendments to the amendment ?

Sri C. M. ARUMUGHAM.—Government should at least follow the instructions of the Chair. You had fixed 3 P.M. on Monday as the dead line for sending amendments. What is the point in their sending amendments after that time ? Is it allowed ? Should they not respect the Speaker's direction ?

Mr. SPEAKER.—I understand the difficulties of members. Rule 79 says that if notice of an amendment has not been given one clear day before the day on which the Bill is to be considered, any member may object to the moving of the amendment. At the time when the amendment was moved no objection was taken. We have now proceeded too far and there is no going back.

Sri J. B. MALLARADHYA.—The Revenue Minister is depriving other members of this House of their right to move amendments to his amendment. There may be other members who want to move amendments to his amendment. Should they not have a copy ? You have pointed out

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rule 79. We bow to your ruling, but I submit it is too technical. Please do not embarrass us.

Mr. SPEAKER.—We have gone too far.

Sri J. B. MALLARADHYA.—The other members have a right to object if they are not supplied with copies of the amendment.

Sri C. J. MUCKANNAPPA.—I draw the attention of the Chair to rules 87 which says that the Speaker may, if he thinks fit, postpone the consideration of a clause. Why not you give us a little time and postpone this matter and give us the amendment ?

Sri J. B. MALLARADHYA.—I am glad Sri Muckannappa has pointed out rule 87. Please exercise your discretion. We will take this up later.

Mr. SPEAKER.—I have no objection, but is it necessary?

Sri J. B. MALLARADHYA.—Do you allow a number of oral amendments on this? Having had no opportunity to see the amendment, at least they should be allowed to move oral amendments if they want to move amendments.

Mr. SPEAKER.—If I have shown concession to one side, I am in duty bound to do the same to the other side also. I have no objection to postponing it. Let us postpone this item and take up the next item.

Sri C. J. MUCKANNAPPA.—In the meanwhile will we be supplied with copies of this amendment ?

Mr. SPEAKER.—Yes.

Sri M. C. NARASIMHAN.—I beg to move :

“That for item (33) the following shall be substituted :

(33) Tenancy means express or implied relationship of landlord and tenant.”

Mr. SPEAKER.—Amendment moved :

“That for item (33) the following shall be substituted :

(33) Tenancy means express or implied relationship of landlord and tenant.”

†Sri M. C. NARASIMHAN.—Sir, as the expression stands, I am not quite sure that it includes also the implied term of relationship of landlord and tenant. As it stands it means relationship of landlord and tenant, but it may have reference to only what is contained in the lease agreement and it may not include certain other implied things which are necessary for the purpose of safeguarding the interests of the tenant. It is only with that in view I have clarified the matter. This is a very simple and verbal amendment.

Sri KADIDAL MANJAPPA.—There is no need to accept this amendment. The relationship of tenant and landlord is Governed not only by written agreement but by oral agreements also. The Transfer of Property Act is clear on that point. Therefore there is no need to accept this amendment.

Mr. SPEAKER.—The question is :

“That for item (33) the following shall be substituted :

(33) Tenancy means express or implied relationship of landlord and tenant.”

*The amendment was negatived*

Sri M. C. NARASIMHAN.—I beg to move :

“That in item (34) for the words ‘an agriculturist’ the words ‘a person’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That in item (34) the words ‘an agriculturist’ the words ‘a person’ shall be substituted.”

† Sri M. C. NARASIMHAN.—Sir, as it stands, clause (34) would refer to a tenant who holds land on lease and who is an agriculturist. An agriculturist is a person who personally cultivates the land. This would create one difficulty in respect of existing sub-tenancies and sub-lessees because in their case it may be that he is not actually an agriculturist or he may not be cultivating personally and in very many cases sub-tenants may be there even without the permission of the landlord. But the point to be considered is whether the existing sub-tenants and sub-lessees should be recognised or taken out of the protections conferred in this Bill. I can understand the principle that hereafter there should not be such protection but if sub-tenancies have been in vogue for the past hundreds of years, as is the case in South Kanara, there is no valid reason why they should not be recognised and the existing ryots should not be protected.

† Sri V. SRINIVASA SHETTY.—Sir, I see much force in the reasoning behind the amendment of my friend, Mr. Narasimhan. As he said, landlord may mean an intermediary also. In South Kanara and I believe in most Malnad areas, we know sub-tenants have been cultivating lands under a tenant for scores of years. Ordinarily, Mulgeni tenants lease out lands but even tenants-at-will lease out lands to sub-tenants. These tenants cannot be landlords and sub-tenants are not considered as tenants here. There are hundreds of cases, where there are sub-tenants. What is the difficulty in accepting the innocuous word ‘person’ to avoid complications later. Otherwise my Hon’ble friend the Revenue Minister, who is very anxious to help the tenants, the down-trodden, will come to grief.

† Sri KADIDAL MANJAPPA.—The word ‘agriculturist’ is defined. A tenant is a person who cultivates lands personally. It includes the sub-tenant also, if such sub-tenant is cultivating. If the idea is to bring in an intermediary who does not cultivate, I would not approve of it. But if what Mr. Narasimhan wants is that a sub-tenant should be protected, this definition is very suitable. Therefore there is no point in pressing the amendment.

Sri M. C. NARASIMHAN.—The point is simple. But if this system was in vogue for a number of years on the appointed day, it should be protected.

Sri KADIDAL MANJAPPA.—If the suggestion of the Hon’ble Member is to project sub-tenants and sub-lessees, then the definition now contained in the Bill is more helpful than the definition suggested by him.

Sri M. C. NARASIMHAN.—But it should be read long with clause 4. The word ‘labour’ would definitely take out all the protection that you envisage to the sub-tenant because he may not be cultivating with the permission of the landlord. The landlord may say that has not permitted him.

Sri KADIDAL MANJAPPA.—If the sub-tenant is personally cultivating then he is protected. It is to protect such people this definition is given.

Sri V. SRINIVASA SHETTY.—If the word landlord includes a sub-lessee then I have no objection.

Sri M. C. NARASIMHAN.—In view of the explanation given, I would withdraw the amendment.

*The amendment was by leave of the House withdrawn.*

Sri KADIDAL MANJAPPA.—So far as amendment No. 44 is concerned, I submit it conveys no meaning. It is the same thing as the previous amendment.

Sri M. C. NARASIMHAN.—I am not moving it.

Mr. SPEAKER.—Amendment No. 45 may be moved.

Sri M. C. NARASIMHAN.—I beg to move :

“That the following words shall be added at the end of item 34 :—

“and also a person who having received the land on express or implied lease from another tenant, with or without the permission of the land owner actually cultivates the land”.

Mr. SPEAKER.—Amendment moved :

“That the following words shall be added at the end of item 34 :—

“and also a person who having received the land on express or implied lease from another tenant, with or without the permission of the land owner actually cultivates the land”.

† Sri M. C. NARASIMHAN.—I am having in mind the cases of sub-tenants. This clause specifically provides for the safeguarding of the rights of tenants and sub-tenants. There may be cases where sub-tenancies might be existing without the actual, written or oral permission of the landlord. Even if the landlord has given permission, he may set-up a plea it was not done with his permission. In such a case it is necessary to protect the interests of tenants.

Sri V. SRINIVASA SHETTY.—There are innumerable cases of sub-tenants in my district. They exist under the law. Under the Transfer of property Act, sub-tenancy is allowed unless specifically prohibited in the deed of lease itself. Otherwise, there is no objection to lease out.

† Sri V. S. PATIL.—I would like to support this amendment moved by my friend Sri Narasimhan. No doubt, there are cases of this kind where the actual tenant or the tenants who have taken the lands from the landlords have sub-let the lands because there were no prohibitions at all and even supposing the landlord had not given express consent for the creation of sub-leases, still he might have slept over the matter because he was receiving the rent, but if the interests of these sub-tenants are not protected by the Act, I think numerous persons will have to be evicted and the very purpose for which we are enacting this law to safeguard the interests of the actual cultivator of the land will be affected and I think Government should also look to this matter in order to safeguard the interests of the actual cultivator. This amendment should be accepted.

Sri KADIDAL MANJAPPA.—I have bestowed some thought over the matter, apart from this amendment. I am certain that in view of the definitions contained in item 34 and item 3, it is not necessary to incorporate the amendment suggested by my two friends. Further, what is the amendment they have suggested? It is not very clear.

“The following words shall be added at the end of item 34:—

and also a person who having received the land on express or implied lease...” ‘express or implied lease’ is not the legal terminology. “.....from another tenant, with or without the permission of the land owner actually cultivates the land.” The language also is not clear.

Sri V. S. PATIL.—That can be got amended.

Sri KADIDAL MANJAPPA.—As I submitted earlier in connection with the other amendment, the definition in item 34 cover sub-tenant also provided he is actually cultivating the land. The idea of personal cultivation is incorporated in item 3.

Sri M. C. NARASIMHAN.—When you say ‘lawfully cultivating land’ under section 4, how do you protect sub-tenant? Suppose the landlord makes a plea that the sub-tenant is not lawfully cultivating the land and the sub-tenancy was created without his permission. How will that be a safeguard?

**SRI KADIDAL MANJAPPA.**—If my friend reads the definition in item 34, he will see “tenant” means an agriculturist who holds land on lease from a land ord and includes a person who is deemed to be a tenant...” So there are two persons. One is a person who actually cultivates; that is a sub-tenant and includes a person who is deemed to be a tenant.

**MR. SPEAKER.**—I will put the amendment of Sri M. C. Narasimhan to vote. The question is:

“That the following words shall be added at the end of item 34:—

and also a person who having received the land on express or implied lease from another tenant, with or without the permission of the land owner actually cultivates the land.”

*The amendment was negatived.*

**MR. SPEAKER.**—Item No. 46.

**SRI KADIDAL MANJAPPA.**—Sir, I move:

“That after item (35), the following item shall be inserted, namely:—

(36) ‘unmarried woman’ means a woman who is not married”.

**MR. SPEAKER.**—Amendment moved:

“That after item (35), the following item shall be inserted:—

(36) ‘unmarried woman’ means a woman who is not married.”

**SRI KADIDAL MANJAPPA.**—It was the opinion of some Honourable Members that unmarried women should have the privilege of leasing their lands in future. So I have tabled an amendment to include unmarried women and widows under section 5. Therefore, ‘unmarried woman’ means a woman who is not married.

**SRI J. B. MALLARADHYA.**—Does it include those who do not intend to marry?

**SRI M. C. NARASIMHAN.**—How has such amendment which looks *prima facie* absurd been admitted? What is the point and what is the force gained by this amendment. In no country, an unmarried woman will include a married woman also.

ಶ್ರೀ ಎ. ರಾಮಪ್ಪ.—ಮದುವೆ ಆಗದೆ ಇರತಕ್ಕಂಥವರ ಮೇರೆ ಇನ್‌ಸಿನ್ಯುಯೇಶ್ ಆಗುವುದಿಲ್ಲವೇ? It is ridiculous.

**MR. SPEAKER.**—I do not know. It may include widows; who knows?

**SRI KADIDAL MANJAPPA.**—It means a lady who is not married; if she is married, she won't come under the category.

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯಾ.—ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೂಡುವಷ್ಟೆ ಎಂತ ಮಾಡಿ ಕೊಂಡು they live as husband and wife.....

Mr. SPEAKER.—According to the definition given in the Law Dictionary, 'unmarried woman' means a woman who is not in a state of marriage, whatever may have been her previous status. ಮದುವೆ ಆಗಿ ಗಂಡ ಸತ್ತುಹೋಗಿ ಇದ್ದರೂ. A widow is an unmarried woman.

Sri V. SRINIVASA SHETTY.—Is it contemplated that a woman having half a dozen children, who lost her husband is an unmarried woman.

ಅಧ್ಯಕ್ಷರು.—ಎಂಟು ಇದಕ್ಕೆ ಏನು ಅರ್ಥವನ್ನು ಹೇಳಿದೆ? ಅರ್ಥ ಅಷ್ಟು ವ್ಯಾಪಕವಾಗಿದ್ದಲ್ಲಿ ಅದನ್ನು ಸಂಕುಚಿತಗೊಳಿಸಬಹುದೆ?

Sri J. B. MALLARADHYA.—Whatever definition they want to include in this Bill should also be legal. If the definition as contained in the Law Dictionary is to be accepted, it is the status of a woman ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಅನೇಕ ಜನ ತಾಳಿಕಟ್ಟದೆ ಇದ್ದರೂ, ಕೂಡುವಳಿ ಮಾಡಿಕೊಂಡು ಗಂಡಹೆಂಡಿರಾಗಿ ಬಾಂಧವ್ಯ ಬೆಳೆಸಿಕೊಂಡು, ಮಕ್ಕಳು ಮರಿ ಅವರಿಗೆ ಆಗಿರುತ್ತವೆ. ಅಂಥವರನ್ನು unmarried woman ಎಂದು ಭಾವಿಸಿ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಯೇ ಎಂದು ರೆವಿನ್ಯು ಮಿನಿಸ್ಟರ್ ಸಾಹೇಬರನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. SPEAKER.—Marriage should be according to law.

ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—“unmarried woman” ಎಂದರೆ ಮದುವೆ ಆದ ಮೇಲೆ ಡೈವೋರ್ಸ್ ಆಗಿದ್ದರೆ, “she again becomes Miss.” ಆಗ ಡೈವೋರ್ಸ್ ಆದ ವರ್ತಮಾನ “unmarried woman” ಕ್ಯಾಟೆಗೊರಿಗೆ ಬರುತ್ತಾರೆ.

Sri M. C. NARASIMHAN.—The wording is 'she is not married'. Suppose she is married once; she will be taken away from that category.

Mr. SPEAKER.—I have read it from the Law Dictionary.

Sri J. B. MALLARADHYA.—Are you going to adopt in toto the definition as contained in the Law Dictionary?

Mr. SPEAKER.—The House now raises for lunch and will meet after half-an-hour.

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*The House adjourned for recess at Ten of the Clock and reassembled at Thirty Minutes past Ten of the Clock.*

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[Mr. SPEAKER in the Chair]

Sri J. B. MALLARADHYA.—I suggest if the Hon'ble Speaker has no objection, the words 'is not' in the expression 'is not married' may be deleted and in its place the words 'who has never been married' be substituted.

Sri C. M. ARUMUGHAM.—Can there be any definition for 'marriage'? When you say 'unmarried', there must be a definition for 'marriage' also.

Mr. SPEAKER.—The question of marriage does not arise at all. We only say, 'unmarried woman' I will put the amendment to the House.

Amendment No. 46—printed list. The question is:

That in place of the words 'IS NOT' the words 'HAS NEVER BEEN' be substituted, in the amendment to item (35).

*The amendment to amendment was adopted.*

Mr. SPEAKER.—I will put the amendment to the House. The question is:

"That after item (35), the following item shall be inserted, namely:—

" (36) 'unmarried woman' means a woman who has never been married."

*The amendment was adopted.*

Mr. SPEAKER.—Amendment No. 48.

Sri J. B. MALLARADHYA.—Sir, I beg to move:

"That after item (36) of sub-clause (1), the following items shall be added:—

(37) 'orchard' means an enclosure or assemblage of fruit bearing trees constituting the main crop thereon.

(38) "Efficiently managed farm" means a farm which consists of a compact and contiguous areas on which heavy investment of permanent structural improvements have been made and whose break up in the opinion of the Tribunal is likely to lead to a diminution or fall in production."

Mr. SPEAKER.—Amendment moved:

That after item (36) of sub-clause (1) the following items shall be added:—

(37) 'orchard' means an enclosure or assemblage of fruit bearing trees constituting the main crop thereon.'

(38) "Efficiently managed farm" means a farm which consists of compact and contiguous areas on which heavy investment of permanent structural improvements have been made and whose break up in the opinion of the Tribunal is likely to lead to a diminution or fall in production."

† Sri J. B. MALLARADHYA.—There is nothing new which I have introduced. I have only to invite the attention of the Hon'ble Revenue Minister to section 63 Explanation to sub-clause (2)(b) and explanation to sub-clause (e). Orchard has got to be defined. and 'efficiently



managed farm' has got to be defined. I do not think there could be any manner of objection to accepting this and introducing this in the section relating to definition. There is no necessity to make a speech.

Sri KADIDAL MANJAPPA.—Here there is an explanation in section 63 and in several clauses such explanations are to be found in the subsequence sections.

Sri V. SRINIVASA SHETTY.—We have changed the explanation a little. The Hon'ble Minister has not seen one or two verbal changes which have been made. That is why he wanted a clear definition of the words.

Sri KADIDAL MANJAPPA.—Sri Setty may be pleased to see section 63.

Sri J. B. MALLARADHYA.—You have brought in all sorts of things in the explanation. There is no place where you have defined 'efficiently managed far.'

Sri KADIDAL MANJAPPA.—We will think of it in section 63, you can include it in the explanation or definition. We can consider in section 63. The word 'contiguous' can be included in the explanation to Clause 63. It does not make much difference.

Sri V. SRINIVASA SHETTY.—Will you agree to this being put in as explanation ?

Sri KADIDAL MANJAPPA.—The contention of the Hon'ble Leader of the Opposition is that efficiently managed farms are farms which consist of compact and contiguous area. We will consider that idea when we are dealing with 'efficiently managed farm'.

Sri J. B. MALLARADHYA.—On this assurance of the Hon'ble Minister, I withdraw the amendment, Sir.

*The amendment was by leave of the House withdrawn*

Mr. SPEAKER.—The question is :

“That Clause 3 stand part of the Bill.”

*The motion was adopted.*

Clause 3 was added to the Bill.

*Clause 4.*

Sri M. C. NARASIMHAN.—I beg to move :

“That the word 'lawfully' in the first line shall be deleted.”

Mr. SPEAKER.—Amendment moved :

“That the word 'lawfully' in the first line shall be deleted.”

Sri M. C. NARASIMHAN.—I have already said about this and I do not think there is anything more to be said. If the word 'lawfully' is retained it may exclude sub-tenancies and that will create difficulty so far as the existing tenants are concerned particularly in South Kanara. I hope the Revenue Minister will agree to this amendment.

†Sri KADIDAL MANJAPPA.—If the amendment is accepted even trespassers will be deemed to be tenants. I do not think it is the idea of the House that even if a person is in unlawful occupation he should be deemed to be a tenant. The idea is to protect sub-tenants who are there. Sub-tenancy is not prohibited in certain areas unless there is a specific provision in the enactment in force in the area. In the Bombay region sub-tenancy is prohibited except in some cases. I do not think sub-tenancy is prohibited in the Madras region. Item 34 protects the interests of sub-tenants who are persons who actually cultivate the land. I would like to draw the attention of the House to Clause 49 which seeks to confer occupancy rights on sub-tenants. This covers the cases of lawful sub-tenants. If the person is an unlawful sub-tenant what should happen is a matter which we will decide when we come to Clause 49.

Sri M. C. NARASIMHAN.—The real mischief to-day is not so much encroachment on a large scale, but the case of tenants who cannot come within the ambit of law with proof. That is the real problem. The biggest problem is the question of legalising the rights of those who do not have records. If you admit oral leases the intention is that you want to protect all such rights, but when you introduce the word "lawful" then those who cannot be brought within the ambit of the law will be kept out and also those who cannot support their claim will be kept out.

Sri KADIDAL MANJAPPA.—I would like to tell the member that this provision will come into operation only after the appointed day. What should happen to the sub-tenants, if any, who hold land under a tenant before the appointed day is a matter which we will have to consider later.

Sri V. SRINIVASA SHETTY.—Are you going to take any action to see that those people are not disturbed in the meanwhile?

Sri KADIDAL MANJAPPA.—I can assure the house that we are going to take some action.

Sri M. C. NARASIMHAN.—We must be satisfied that it requires the amendment of the rules or the Act. What exactly are you going to do?

Sri KADIDAL MANJAPPA.—We will do something to protect sub-tenants against unlawful eviction hereafter.

Mr. SPEAKER.—No unlawful sub-tenant will be protected in any case. So there is no harm if the word "lawful" is there. That is my personal view.

Sri M. RAMAPPA.—Then the burden of proof will be on the tenant to prove that he is in lawful possession, Speaking both as a lawyer and as a person coming from an area where there are large number of sub-tenants, I can say that this will lead to lot of hardship.

Sri G. N. PUTTANNA.—The Revenue Minister has just now said that he would give some protection and take precaution against unlawful eviction, but he must know that every Pahani register is in the possession of Shanbogs and Patels and there is enough scope for them to do and undo things. I have been requesting him to see that these Pahani registers are immediately sent to the taluka office. Unless that is done, it will lead to lot of litigation and mischief.

Sri KADIDAL MANJAPPA.—I know the difficulty. The Hon'ble Member has brought this matter to my notice and I have issued instructions. We will see that they are sent to the taluka office.

Sri C. M. ARUMUGHAM.—If that word 'lawful' is removed then there is no objection. Unless he is a tenant, the landlord would not allow him. He will go to the tribunal and its decision is final.

Sri KADIDAL MANJAPPA.—The idea is that hereafter sub-letting should be prohibited. This will come into effect after the appointed day. I appreciate the spirit with which the amendment is moved but we are worried about the existing sub-tenants who are there or who will be there on the appointed day. What we should do to protect them is a matter which is to be considered when we deal with that clause. So far as this clause is concerned, there can be no objection as it will come into effect after the appointed day.

Sri M. RAMAPPA.—If the Hon'ble Minister could satisfy us that it is not applicable to the present tenants, we do not press. My fear is it will apply to present tenants also.

Sri KADIDAL MANJAPPA.—All these tenancy provisions come into effect later on.

Sri V. SRINIVASA SHETTY.—If he is a present tenant, the landlord will apply to the tribunal whether he is tenant or not.

Sri C. J. MUCKANNAPPA.—Are the Government issuing an ordinance no sooner the bill is passed protecting the sub-tenants.

Sri KADIDAL MANJAPPA.—When the Legislature is in session, how can ordinance be passed? I have given an assurance that we will take steps to protect the interests of tenants who are on the land now. What course of action we are going to take, I do not want to disclose now. It will be to the interests of the tenants themselves.

Mr. SPEAKER.—The question is :

"That the word 'lawfully' in the first line shall be deleted."

*The amendment was negatived.*

Sri M. C. NARASIMHAN.—I beg to move :

"That the present clause shall be numberd as sub-clause (1) and the following shall be added as sub-clause (2) :—

"(2) For the purpose of this sub-clause any person who on the appointed day or the date on which this Act comes into

(Sri M. C. NARASIMHAN)

force was continuously in occupation of the land of another for not less than two years *bona fide* believing himself to be a tenant and continued to be in occupation of such land at the commencement of this Act shall be deemed to be a tenant."

Mr. SPEAKER.—Amendment moved :

"That the present clause shall be numbered as sub-clause (1) and the following shall be added as sub-clause (2) :—

"(2) For the purpose of this sub-clause any person who on the appointed day or the date on which this Act comes into force was continuously in occupation of the land of another for not less than two years *bona fide* believing himself to be a tenant and continued to be in occupation of such land at the commencement of this Act shall be deemed to be a tenant."

†Sri M. C. NARASIMHAN.—This amendment of mine slightly enlarges the definition of persons who shall be deemed to be tenants. It is definitely wider than what is said in the parent clause. I have taken out the idea from some other legislation. The Kerala law, for instance provides that a person who is in possession of a land from a landlord for atleast 2 years shall be deemed also to be a tenant entitled to all the other protections which future tenant is entitled to.

†Sri B. VAIKUNTA BALIGA.—May I point out one difficulty in respect of this amendment. A lease is a matter between two parties. Primarily, it is for the landlord and the tenant to arrive at a contract. Tenancies could be created by statute but here there is a suggestion that if the tenant *bona fides* feels that he is a tenant and continues for two years, then he automatically becomes a tenant. This is something which is not in accordance with the principles of jurisprudence. We are not creating tenancies under this statute. This is a land reforms Bill. The mind of the tenant may think so many things and the mind of the tenant cannot create legal rights in him. This is strange indeed. In view of this, I hope my friend would reconsider the matter.

Sri KADIDAL MANJAPPA.—I have nothing to add to what my colleague has said.

Mr. SPEAKER.—The question is :

"That the present clause shall be numbered as sub-clause (1) and the following shall be added as sub-clause (2) :

"(2) For the purpose of this sub-clause any person who on the appointed day or the date on which this Act comes into force was continuously in occupation of the land of another for not less than two years *bona fide* believing himself to be a tenant and continued to be in occupation of such land at the commencement of this Act shall be deemed to be a tenant."

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“That Clause 4 stand part of the Bill.”

*The motion was adopted.*

Clause 4 was added to the Bill.

*Clause 5*

Sri KADIDAL MANJAPPA.—I beg to move :

“That for the proviso to sub-clause (1), the following provisos shall be substituted, namely :—

“Provided that—

- (a) any small holder may create or continue a tenancy or lease the land owned by him ;
- (b) any land-owner who is—
  - (i) a minor,
  - (ii) a widow,
  - (iii) an unmarried woman,
  - (iv) a person incapable of cultivating land by reason of any physical or mental disability, or
  - (v) a serving member of the Armed forces, may create or continue the tenancy or lease the land owned by him or her :

Provided further that nothing in this sub-section shall affect the continuance of tenancies of resumable land until the dispossession of the tenants under section 14 and of non-resumable land until the date of vesting under section 44.”

Mr. SPEAKER.—Amendment moved :

“That for the proviso to sub-clause (1), the following provisos shall be substituted, namely :—

Provided that—

- (a) any small holder may create or continue a tenancy or lease the land owned by him ;
- (b) any land-owner who is—
  - (i) a minor,
  - (ii) a widow,
  - (iii) an unmarried woman,
  - (iv) a person incapable of cultivating land by reason of any physical or mental disability, or
  - (v) a serving member of the Armed forces, may create or continue the tenancy or lease the land owned by him or her :

Provided further that nothing in this sub-section shall affect the continuance of tenancies of resumable land until the dispossession of the tenants under section 14 and of non-resumable land until the date of vesting under section 44.”

Mr. SPEAKER.—There are other amendments which will be barred, in case the Hon'ble Minister's amendment is accepted.

Sri C. M. ARUMUGHAM.—I have one clarification. We have not yet defined a small-holder. Unless we know what a small-holder is, it would not be possible for us to discuss this clause.

Mr. SPEAKER.—The definition of a small-holder will come later. There is no difficulty in discussing this now.

Sri C. J. MUCKANNAPPA.—The small-holder may be 4, 5 or 10 acres. If it is 4 acres we may agree, if it is more we may not.

Mr. SPEAKER.—The practice in the House of Commons is that they take the definition clause at the end, not in the beginning, but in India we take it in the beginning. It does not come in the way at all.

Sri C. J. MUCKANNAPPA.—Let us not worry about the Commons. Let us think of India.

Mr. SPEAKER.—We may proceed with the discussion. The definition of a small-holder does not come in the way of considering this amendment.

Sri KADIDAL MANJAPPA.—In the general discussions on the report of the Joint Select Committee, it was suggested by several Honourable Members on that side and this side too, particularly my sisters behind me that the widows and unmarried women should have the privilege of leasing their lands in future. I thought I had two categories of persons are to be inserted in section 5. Further, the proviso relates to the relationship of landlord and tenant until the date of the vesting of non-resumable land and the date of taking possession by the landlord of resumable land after the appointed day. According to the scheme of the Bill, the landlord should intimate the tribunal about his intention to resume the resumable portion of the land. Until then the relationship of landlord and tenant should continue. That point was not clear in the Bill. Therefore, this proviso has been added. Until the right vests in the Government, that relationship should continue.

Sri J. B. MALLARADHYA.—Why is it necessary to bring it under Clause 5?

Sri KADIDAL MANJAPPA.—Under Clause 5, there is a prohibition for future leases. With regard to the other persons, except those persons enumerated, there are persons who will not be widows, small holders, people in the armed forces and people having physical or mental disability, what should happen to the lands of those persons till resumption by the landlord or vesting in the State Government? Section 5 prohibits the leases except in the case of those categories enumerated by me just now. There will be big holders. To cover such cases, this proviso has been added. Until the resumption takes place, it will take some time. The Tribunal should hold an enquiry and

findout which are the lands to be resumed to the landlord and which are the non-resumable lands. Until that is done, there will be a state of uncertainty. We cannot prohibit the lease.....

Sri M. C. NARASIMHAN.—That will be taken care of by sub-section (2).

Sri KADIDAL MANJAPPA.—“Save as otherwise provided in the Act, after the appointed day no tenancy shall be created or continued in respect of any land.....” It cannot be created or continued save as otherwise provided.

ಶ್ರೀಮತಿ ಕೆ. ಎಸ್. ನಾಗರತ್ನಮ್ಮ.—ಶ್ರೀಮಾನ್ ಮಲ್ಲಾರಾಧ್ವರು ತಂದಿರುವ ಅದ್ವೈತದಿಗೂ, ಶ್ರೀಮತಿ ವಿಜಯರಾಘವೇಂದ್ರರಾವ್ ಇವರ ಹೆಸರಿನಲ್ಲಿರುವ ಅದ್ವೈತದಿಗೂ ಸ್ವಲ್ಪ ವ್ಯತ್ಯಾಸವೇನೋ ಇದೆ. ಆದರೆ ಶ್ರೀಮತಿಯವರು ಅದ್ವೈತದಿಯನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುತ್ತಾರೆಯೇ ಇಲ್ಲವೇ ಎಂದು ಕೇಳುತ್ತೇನೆ.

Smt. VIJAYA RAGHAVENDRARAO DESAI.—I shall not move the amendment.

Mr. SPEAKER.—I will put the amendment of the Honourable Minister. The question is :

“That for the proviso to sub-clause (1), the following provisos shall be substituted, namely :—

Provided that—

- (a) any small holder may create or continue a tenancy or lease the land owned by him ;
- (b) any land-owner who is --
  - (i) a minor,
  - (ii) a widow,
  - (iii) an unmarried woman,
  - (iv) a person incapable of cultivating land by reason of any physical or mental disability, or
  - (v) a serving member of the Armed forces, may create or continue the tenancy or lease the land owned or him or her :

Provided further that nothing in this sub-section shall affect the continuance of tenancies of resumable land until the dis-possession of the tenants under section 14 and of non-resumable land until the date of vesting under section 44.”

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

“That Clause 5, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 5 as amended was added to the Bill.

Mr. SPEAKER.—The question is:

“That Clause 6 stand part of the Bill.”

*The motion was adopted.*

Clause 6 was added to the Bill.

Mr. SPEAKER.—Clause 7.

Sri KADIDAL MANJAPPA.—Sir, I beg to move:

“That in sub-clause (1)—

(a) for the words ‘land in any area’, the words ‘any land’ shall be substituted:

(b) for the words ‘date specified in sub-section (2) in respect of such area’, the words and figures ‘tenth day of September, 1957’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“That in sub-clause (1)—

(a) for the words ‘land in any area’, the words ‘any land’ shall be substituted:

(b) for the words ‘date specified in sub-section (2) in respect of such area’, the words and figures ‘tenth day of September, 1957’ shall be substituted.”

†Sri KADIDAL MANJAPPA.—In the existing Bill, there is provision for restoration of possession to the tenants dispossessed under certain circumstances. A person who held the land in any area as a tenant for a period of six consecutive years before the date specified in sub-section (2) and if the dispossession has taken place unlawfully by undue influence or fraud, the Tribunal may hold an enquiry and restore the land to the tenant. It was suggested by several Honourable Members that different dates for different regions should not be mentioned. Further to review cases of resumption for eviction that has taken place prior to the publication of the Report of Sri Jatti Committee is not correct. Therefore, a uniform date, that is the date on which the report was published has been mentioned here as the proper date for reviewing the unlawful resumption or unlawful eviction.

†Sri M. RAMAPPA.—The amendment is that sub-clause (2) shall be deleted and sub-clauses (3) and (4) shall be renumbered. Area has reference to sub-clause (2). When sub-clause (2) is deleted, there is no need for the word ‘area’.

ಯಾವ ಉದ್ದೇಶಕ್ಕೋಸ್ಕರ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆಂಬುದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಲಿಲ್ಲ. ಭೂಮಾಲೀಕರು undue influence ಉಪಯೋಗಿಸಿ ಯಾರಾದರೂ ಗೇಣಿದಾರರನ್ನೂ ಬಡಿಸಿದ್ದರೆ ಅಂಥವನು ಪುನಃ ಜಮೀನು ಬೇಕೆಂದು ಅವಿಕ್ಷೇಪ ಹಾಕಲು ಸರಕಾರ ಕಮಿಷನರಿಗೆ ಅವಕಾಶ ಮಾಡಿದ್ದರೂ ಈಗ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯಿಂದ, ಭೂಮಿಯಿಂದ dispossess ಆಗಿರುವ ರೈತರಿಗೆ ಪೋಗ್ರೆಸಿವ್ ಆಗಿರುವ ಮಾತಿಗಳು ಅನ್ಯಾಯ ಮಾಡಿದಂತಾಗಲಿಲ್ಲವೇ ಎಂದು ಕೇಳುತ್ತೇನೆ.



Sri KADIDAL MANJAPPA.—I never claim to be progressive. I am implementing the programme of my party.

Sri M. RAMAPPA.—I do not think you have any voice in this matter. If you had been alone, you would have accepted many of the amendments which are in favour of the tenants.

Sir, now it is very unfortunate that he is not having an independent voice in this matter. For instance, if the tenants were disposed in 1952 in Mysore area, except Bellary district, it was open to the tenant to make an application under this provision. 1957 onwards, most of the landlords have taken back the land or got an entry that they were cultivating. I do not know how he has brought this amendment under the pressure of his party. The bill was drafted in pursuance of the recommendations made by the Jatti Committee and for that the Select Committee also agreed. He has not explained the implications. From the beginning he has been misleading.

Sri KADIDAL MANJAPPA.—You are all educated people and the amendment is there in print. I am carrying on the programme of the party.

Sri M. RAMAPPA.—You cannot mislead us, I know. But, you are misleading the common man. That is why, I oppose this amendment.

†Sri V. SRINIVASA SHETTY.—Sir, I have read the Jatti Committee report and there is a similar recommendation. In fact, it was the understanding in the Select Committee. This applies to cases where lands are taken unlawfully. We had put a certain date. Some persons who are capable of going to the court of law may get the benefit. But, I am surprised at the statement of the Minister that he is carrying on the policy of his party. Sir, the Chairman of the Jatti Committee is the Chief Minister to-day, and he has made that recommendation. I do not know when this policy of the Government changed....when was it changed-yesterday or to-day? If the principles of the party has changed, we have nothing to do with it. But, that was not the policy of the Government so far. It might help a few tenants to go to a court of law and get relief. Hence, there is no reason for changing this.

†Sri V. S. PATIL (Belgaum I).—Sir, I rise to oppose the present amendment that is moved by the Hon'ble Minister for Revenue. The Jatti Committee has gone through this matter very carefully and as some of the Hon'ble Members on this side said, this is being done at behest of the Party in spite of the Leader being the Chairman of that Committee. I should like to say that the Congress Party as such is the Leader and it has no Leader as individual. Therefore, the Party being the leader, dictates to the Members. That is why every decision or policy changes every time as they require. It changes from moment to moment Sir, by the insertion of this date 10-9-1957 for the several areas, innumerable tenants would be put to sufferings. It is within everybody's knowledge that tenants have been evicted by the landlords when

(Sri V. S. PATIL)

they scented that such a legislation would come on the Statute Book in the various areas. The dates prescribed in sub-clause (2) are meant to give relief to persons who are illegally evicted before these particular dates. As soon as the landlord got the scent of this legislation, they have forcibly evicted the tenants and taken possession or without taking possession, they have got their names entered in the record of rights. All this mischief has been done. So far as Bombay area is concerned, I am definite that innumerable tenants have been evicted under these various measures. If we take the date as 10-9-57, then all the tenants who have been evicted in our area before six years of that date, will have absolutely no remedy and the very purpose for which this Bill is enacted would be defeated. I do not know why the Hon'ble Minister in charge of the Bill is not sticking to the principles at all. This is a retrograde step against the interest of the tenants and I oppose it.

†Sri B. SHAMSUNDAR (Bhalki).—Sir, I oppose this amendment not because it is brought against a large majority of the tenants, but because the very principle for which this land reform was sought to have been brought, is dead. At this stage, we have only to consider the question of suspending all the transactions and think of circulating this Bill to know the views of the tenants from all quarters. This is going to affect not one or two, but lakhs of tenants. This party which made all kind of promises to the tenants, now wants to betray them. We do not want to allow this. The Minister for Revenue said that he is not there to act according to his own conscience but carry on the wishes of the Party which is said to represent the people and the agriculturists. I oppose this and say that this Bill should be circulated among the tenants and till then all transactions in respect of this Bill should be suspended.

Sri J. B. MALLARADHYA.—Sir, the manner in which amendments are being moved in this House without sufficient explanation by the Hon'ble Minister, indicates that they are trying to set at naught the very deliberations of the Select Committee. Sir, now the cat is out of the bag. The Hon'ble Minister is not responsible for this amendment. Is it correct that it should be made a party matter and can it be said that the will of the majority party should prevail even on the opposition? It is something like the steam-roller business. So, let the Hon'ble Minister explain as to what were the compelling circumstances to change the dates radically. What will be the repercussion on the tenants by this change? Let him explain. If the Hon'ble Revenue Minister is guided by the Chief Minister or somebody else who has got the whip wand, he may explain it to the House.

11.30 A.M.

†Sri M. C. NARASIMHAN.—Sir, I want to ask you Sir, the propriety of this amendment purely on technical grounds. This sub-clause

(2) of clause 7 (2) is exactly the same as was introduced in the Bill as was originally introduced. In the first reading of the Bill we have virtually accepted this. The Select Committee has not amended this particular clause namely 7 (2). The House having accepted once, virtually it is accepted the principle underlying clause 7 (2). Is it open to the Hon'ble Minister after the stage of Select Committee stage to amend it like this? It is extraordinary. At later date, I can understand the amendment. I do not think it has happened at any time in recent history in the Mysore Assembly.

There is another point. This is opposed to common sense. There is one important principle. In all things, as I understand, if there is a master-servant relationship between the tenant and the landlord, the longer the duration of such tenancy, the greater the protection. For example one who serves a master for longer period is entitled to greater protection. Likewise, it also involves a principle. For example, a permanent tenant, second category protected tenant-he has the longest period to his credit of having served the landlord. So, the right of protection extended is greater. That is the principle that is generally accepted. In this clause 7 (2) the amendment brought forward offends this principle. Because it says here-they are shifting the date from 1st January 1952 to 10-9-1957-it would mean that those tenants who had served the landlord much earlier their tenancy was for a period much lower than 5 to 6 years-it means that the tenants who have served the landlord as tenants from 1946, they will not be entitled to protection. But those who came subsequent to 10-9-57 are entitled to protection. This is really a contradiction and opposed to common sense, even fair play and even opposed to justice. On the other hand, they should have really expected them to accept one very important amendment where we deal with categorising between ordinary tenant and protected tenant. Even the protection granted under this clause is really illusory. It is not as effective as it is canvassed to be. The tribunal has got to go into the question of voluntary surrender and the person who makes the application will have to prove that the surrender was not obtained by undue influence. I do not think that 'undue influence' is a thing that could easily be proved. This difference between the dates 1952 and 1957 has a certain weight, has certain sanctity behind it. These were dates recommended by the Planning Commission. These dates which have been suggested by the land reform panel after investigation particularly of the working of the Bombay Tenancy Act for a couple of years. The point about voluntary surrender was gone into by the Gokhale Institute of Politics and Economics and it is they who have suggested this amendment to the Bombay Tenancy Act. That is why these dates have certain sanctity and weight behind them. He owes a duty to this House and he should explain why this date was changed to 10-9-57. The Jatti Committee came into existence only after 10-9-57 only after integration. Is that the reason why you want to have that as the date?

(Sri M. C. NARASIMHAN)

What harm is there in having a period prior to that? Land Reform in Hyderabad was introduced in 1948. It was introduced in Bombay in 1948. Even here, the very same Revenue Minister wanted to introduce in 1953 legislation for example similar to the Bombay Tenancy Act. But due to the conspiracy of the Party, it was thwarted. He must be true to his conscience.

†ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕೂಪ್ತ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ನಾಲ್ಕು ಸ್ತೋತ್ರಗಳು ಪಾಸಾದ ಮೇಲೆ ನಮ್ಮ ಪಾರ್ಲಿಯಮೆಂಟ್ ಹೇಳಬಿಟ್ಟರು ಎಂದು ಈ ರೀತಿಯಾದ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಏಕೆ ತರುತ್ತಿದ್ದೀರಿ? ನಾನು ನಿನ್ನೆಯ ದಿನ ಈ ಸಭೆಯಲ್ಲಿ ಹೇಳಿದ ಹಾಗೆ ಸ್ಪಂದನ ಕೋಟಿಶೋಕಿಗೆ ಅಭಿಮನ್ಯು ಸಿಕ್ಕಿ ಕೊಡ ಹಾಗೆ ನಮ್ಮ ಕಂದಾಯ ಮಂತ್ರಿಗಳ ಸ್ಥಿತಿಯಾಗಿದೆ. ನಿನ್ನೆ ನಾನು ಮಾತನಾಡುತ್ತಿದ್ದಾಗ ಯಾರೋ ಕೆಲವರು ಮಾತನಾಡಿಕೊಂಡಿದ್ದು ನನಗೂ ಕೇಳಿಸಿತು. ಅದೇ ನೆಂದರೆ ಶ್ರೀಮಾನ್ ಮಂಜಪ್ಪನವರ ಸ್ವಾಚ್ಛಂದವನ್ನು ಮಾಡಿಸಿ ಅದರ ಮುಂದೆ ಭೂಸುಧಾರಣೆಯ ಮಸೂಮೆಯನ್ನು ಸಮರ್ಪಣೆಯಾಗಿ ಎಂದು ಮಾಡಬೇಕೆಂದು—ಇದು ಯಾರಿಗೋಸ್ಕರ? ಅವಕ್ಕೋಸ್ಕರ ಭೂಮಿ ಇಲ್ಲದ ರೈತರಿಗೆ ತಾವು ಮೊದಲು ಚೆನ್ನಾಗಿ ಬಿಟ್ಟು ತಂದಾಗ ಹೇಳುವುದೇನು? ಅದನ್ನು ಮುಂದುವರಿಸಿ ಕಾಲಕ್ಕೆ ತಂದಾಗ ಹೇಳುವುದೇನು? ಆಗ ಚೆನ್ನಾಗಿಗಳಿಗೆ ಪ್ರೊಟೆಕ್ಷನ್‌ನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಿದವರು ಇವತ್ತು ಪಾರ್ಲಿಯಮೆಂಟ್ ಯಾರೋ ಕೆಲವರು ಹೇಳಿದರು ಎಂದು ಅವರನ್ನು ತಪ್ಪಿ ಮಾಡುವುದಕ್ಕೋಸ್ಕರ ಈ ರೀತಿ ಮಾಡಬೇಕೆಂದು ತಿಮ್ಮಪ್ಪಯ್ಯನು ಏಕೆ ತರುತ್ತಿದ್ದರೋ ನನಗೊಂದು ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಈ ಹಿಂದೆ ಜಿ.ತಿ. ಕಮಿಟಿ ರಿಪೋರ್ಟು ಬಂದಾಗ ಇದನ್ನು ತರಲಿಲ್ಲ, ಮತ್ತು ಈ ಬಿಲ್ಲನ್ನು ಕನ್ಸಿಡರ್ ಮಾಡುವಾಗ ತರಲಿಲ್ಲ ಮತ್ತು ಸೆರೆಕ್ಟು ಕಮಿಟಿಯಲ್ಲಿ ಕನ್ಸಿಡರ್‌ಮೆಂಟ್‌ಗೆ ಬಂದಾಗ ತರಲಿಲ್ಲ. ಹೀಗೆ ವೇರಿಯಸ್ ಸ್ಪೋರ್ಟ್‌ಗಳು ಬಂದಾಗಲೂ ಬರಬೇಕೆಂದು ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು one fine morning ನಲ್ಲಿ 10ನೇ ತಾರೀಖಿನ ಸೆಪ್ಟೆಂಬರ್ 1957 ಎಂದ. ಇಲ್ಲಿ ಹಾಕಿಬಿಟ್ಟು ಇಲ್ಲಿ ರೆಕ್ಟು ಹಾಕಿರುವುದನ್ನು ನೋಡಿದರೆ 1962ರ ಫೆಬ್ರವರಿ ತಿಂಗಳಲ್ಲಿ ಎಂಟುಗ್ರಹಗಳು ಸೇರುತ್ತವೆ ಎಂದು ಯಾರೋ ರೆಕ್ಟು ಹಾಕಿದರಲ್ಲಾ ಅವರೇನಾದರೂ ಬಂದು ಇವರಿಗೆ ಹೇಳಿ ಈ ರೀತಿ ಮಾಡಿಸಿದರೋ ಏನೋ ಎಂದು ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಇದನ್ನು ಈಗಾದರೂ ತಿಳಿಯಲು ನಮ್ಮ ಮಾನ್ಯ ಕಂದಾಯ ಮಂತ್ರಿಗಳು ಹೃದಯ ಬಿಟ್ಟು ಕೋರಿಸುತ್ತಾರೆಯೇ? ಇದರಲ್ಲಿ ಮಾಡಿರುವುದು ಇವರ conscienceಗೆ ಸರಿಯಾಗಿದೆಯೇ? ಇವರಿಗೆ ಆತ್ಮ ಎನ್ನುವುದು ಇಲ್ಲವೇ? ಇವರ ಪ್ರತಿಜ್ಞೆಯನ್ನು ತೆಗೆದುಕೊಂಡಾಗ ನಾನು ಒಂಬತ್ತು ವರ್ಷಗಳ ಮಂತ್ರಿಯಾಗಿರುವ ಕಾಲದಲ್ಲಿ ಮನಃ ಪೂರ್ವಕವಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳಿದಂತೆ ಇಲ್ಲಿ ಮನಃಪೂರ್ವಕವಾಗಿ ಮಾಡುವುದಕ್ಕಾದರೂ ಸ್ವಯಂ ಮಾಡಿದ್ದೀರಾ? ನನಗೊಂದು ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಸ್ವಲ್ಪ ಹೃದಯ ಬಿಟ್ಟು ಕೋರಿಸಿ, ನೋಡೋಣ. ಈ ರೀತಿ ದೇಶಕ್ಕೆ ಅನ್ಯಾಯ ಮಾಡುವುದಕ್ಕಿಂತ ಒಂದೇ ಕೈಯಿಂದ ಬಿಟ್ಟು ಬಿಡಿ.

(Interruptions)

1962ನೇ ಇಸವಿಯ ಚುನಾವಣೆಯೊಳಗಾಗಿ ಈ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಾ ಈ ರೀತಿಯಾದ ನಾಟಕವನ್ನೇಕೆ ಆಡುತ್ತೀರಿ? (ನಗು)

ಎವು ಹೇಳುವುದೇನು? ಚೆನ್ನಾಗಿಗಳಿಗೆ ಪ್ರೊಟೆಕ್ಷನ್‌ನ್ನು ಕೊಡಬೇಕು ಎಂದು ಹೇಳಿಬಿಟ್ಟು ಈ ಬಿಲ್ಲಿನ ಮೂರು ನಾಲ್ಕು ಸ್ತೋತ್ರಗಳು ಪಾಸಾದನಂತರ ಈಗ ತಂದಿರುವ ಬಿಲ್ಲಿನ ಮೇಲೆ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಿರುವುದು ಯಾವ ನ್ಯಾಯ ಅದನ್ನಾದರೂ ಹೇಳಿ.

Sri KADIDAL MANJAPPA.—I said that I was implementing programme chalked out by my party.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾನು ಅದನ್ನೇ ಹೇಳುತ್ತಿರುವುದು. ಯಾವ ಪಾರ್ಟಿಯೊಳಗೆ ಮೊದಲು 27 ಎಕರೆಗಳು ಎಂದು ಮಾಡಿದ್ದನ್ನು ಇಲ್ಲಿಗೆ ಬಂದಾಗ 18 ಎಕರೆಗಳು ಎಂದು ಮಾಡಿರುವ ಅಮೆಂಡ್‌ಮೆಂಟಿನ ಅನುಭವದ ಪ್ರರಾಶಗಳಿಲ್ಲಾ ಈಗ ನಮಗೆ ಗೊತ್ತಾಗಿದೆ. ಚೆನೆಂಟುಗಳಿಗೆ ಪ್ರೊಟೆಕ್ಷನ್‌ನ್ನು ಕೊಡಿ ಎಂದರೆ ಅದನ್ನು ಅಪ್ರೋಪ್ರಿಯೇಟು ಚಿತ್ರ ಬಂದಾಗ ಪರಿಶೀಲನೋಣ ಎಂದು ಅವರು ಹೇಳಿಕೊಂಡು ಈ ರೀತಿ ಏಕೆ ಜಾರಿಕೊಳ್ಳುತ್ತೀರಿ? ತಾವು ಸ್ವಲ್ಪ ಈ ರೀತಿಯಾದ ಸ್ಲಿಪರಿ (slippery) ಪಾಲಿಸಿಯನ್ನು ದಯವಿಟ್ಟು ಬದಲೇಕು ಎಂದು ನಾನು ಏನಯದಿಂದ ಅವರಲ್ಲಿ ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತೇನೆ. ಈ ರೀತಿಯಾಗಿ ಮಾಡುವುದರಿಂದ ಎಷ್ಟೋ ಚೆನೆಂಟುಗಳಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ ಎಂದು ಹೇಳುತ್ತಿದ್ದರೂ ತಾವು ಪಾರ್ಟಿಯ ಪ್ರೋಗ್ರಾಮನ್ನು ಇಂಪ್ಲಿಮೆಂಟನ್ನು ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಾರೆ. ನಾನಾಗಲೇ ಹೇಳಿದ ಹಾಗೆ ಸ್ಪೃಧವನ ಕೋಟಿಯೊಳಗೆ ಅಭಿಮನ್ಯು ಸಿಕ್ಕಿಕೊಂಡಾಗ, ಭೀಮ ಗದೆಯನ್ನು ತೆಗೆದುಕೊಂಡು ಹೊಡೆಯುವುದಕ್ಕೆ ಹೋದಹಾಗೆ ಹೋಗುತ್ತಿರಲ್ಲಾ ಹಾಗೆ ಯಾರನ್ನು ಹೊಡೆಯುವುದಕ್ಕಾಗಿ ಹೋಗುತ್ತಿದ್ದೀರಿ? ನಿಮ್ಮ ಮುಖದಮೇಲೆ ಸೊಳ್ಳೆ ಹೊಡೆಯುತ್ತೀರಾ ಅಥವಾ ನೋಣ ಹೊಡೆಯುತ್ತೀರಾ? ಯಾರಿಗೆ ಅನುಕೂಲ ಮಾಡುವುದಕ್ಕೆ ಹೀಗೆ ನೀವು ಹೋರಾಡುತ್ತಿದ್ದೀರೋ ಗೊತ್ತಿಲ್ಲ. ಸ್ವಲ್ಪ ನ್ಯಾಯವಾಗಿ ಕಾನೂನುಗಳನ್ನು ಮಾಡಿ. ನಿಮ್ಮ ಕಿವಿಯಲ್ಲಿ ಊದಿದವರ ಮಾತನ್ನೆಲ್ಲಾ ಕೇಳದೆ ನಿಮ್ಮ ಮನಸ್ಸಿನಲ್ಲಿ ಏನು ಇದೆಯೋ ಆ ರೀತಿ ಮಾಡಿ. ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳು ತಮ್ಮ ಪೋರ್ಟ್‌ ಪೋಲಿಯೊವನ್ನು ಶ್ರೀಮಾನ್ ಚೆನ್ನಬಸಪ್ಪನವರಿಗೆ ಟ್ರಾನ್ಸ್‌ಫರ್ ಮಾಡಿದರೆ ಆಗ ಅವರು ಭೂ ಮಾಲೀಕರ ಮತ್ತು ಗಣೇದಾರರ ವಿಚಾರಗಳನ್ನು ಚೆನ್ನಾಗಿ ತಿಳಿಯುತ್ತಾರೆ. ನಿಮಗೆ ಈ ರೀತಿ ಹೇಳಿಕೊಟ್ಟ ಮಹನೀಯರು ಯಾರು ಎಂದು ನಾನು ಕೇಳಬೇಕಾಗಿದೆ. ನಿನ್ನೆದಿವನ ಒಂದು ರೀತಿಯಲ್ಲಿ ಹೇಳಿದ್ದೀರಿ. ಈ ದಿನ ಮತ್ತೊಂದು ರೀತಿಯಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದೀರಿ. ನೀವೆಲ್ಲೋ ಗೋಪ್ತೇಶ್ವರ ಇದ್ದುಹಾಗೆ ಬಿಸಿಲು ಬಂದರೂ ಒಂದೇ, ಮಳೆ, ಚಳಿಬಂದರೂ ಒಂದೇ ನಿಮಗೆ. ಏಕೆ ದೇವರು ನಿಮಗೆ ಇಂತಹ ದುರ್ಬುದ್ಧಿ ಕೊಟ್ಟನೋ ನನಗೆ ಗೊತ್ತಾಗಲಿಲ್ಲ. ನಿಮಗೂ ಚರ್ಮ ದಷ್ಟು ಇದೆಯೋ ಏನೋ ಗೊತ್ತಾಗಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಆ ಚರ್ಮ ದಷ್ಟುಮಾಡುವುದಕ್ಕೆ ಮಾನ್ಯ ಸದಸ್ಯರೇ ಕಾರಣರು.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಮೊನ್ನೆ ಅರೋಗ್ಯ ಮಂತ್ರಿಗಳು ಆಯುರ್ವೇದ ಯೂನಾನಿ ಮಸೂದೆಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಿ ಚರ್ಚೆಮಾಡಿ ಪಾಸ್ ಮಾಡಿದಮೇಲೆ ಎಷ್ಟರಮಟ್ಟಿಗೆ ಆ ಮಸೂದೆಯಿಂದ ಜನಗಳಿಗೆ ಅನುಕೂಲವಾಯಿತು ಎಂಬುದು ನನಗೆ ಸರಿಯಾಗಿ ಗೊತ್ತಿಲ್ಲ. I am in the dark. ಆಮೇಲೆ ನನ್ನ ಮಾನ್ಯ ಮಿತ್ರರಾದ ಶ್ರೀಮಾನ್ ಮಂಜಪ್ಪನವರ ಭಾಷಣಕ್ಕೆ ಇವರು ಇಷ್ಟು ಕಳಕಳಿಯಿಂದ ಭಾಷಣಮಾಡುತ್ತಿದ್ದಾರಲ್ಲಾ ಎಂದು ನಾನು ತಿಳಿದು ಕೊಂಡಿದ್ದೆ. ಇದು ಏಕೆ ಕಡಿದಾಳ್ ಅವರ ಹೃದಯ ಇಷ್ಟು ಕಠಿಣವಾಗಿದೆಯಲ್ಲಾ ಎಂದು ನಾನು ಅಂದುಕೊಂಡೆ. ಅವರು ಈ ಕಾನೂನಿನಲ್ಲಿ ತೋರಿಬರತಕ್ಕ ಗುಣವ ಗುಣಗಳನ್ನು ಸರಿಯಾಗಿ ವಿಮರ್ಶೆ ಮಾಡಿಲ್ಲವೆಂದು ನನಗೆ ತೋರುತ್ತದೆ. ಅದರಿಂದಲೇ ಶ್ರೀಮಾನ್ ನರಸಿಂಹನ್ ಅವರು ಇದನ್ನು ಬದಲಾವಣೆ ಮಾಡುವುದಕ್ಕೆ ಕಾರಣವೇನೆಂದು ಕೇಳಿದ್ದೆ. ಸರಿ, ಯಾರಿಗೋಸ್ಕರ ಈ ಭೂನುಧಾರಣೆಯನ್ನು ಮಾಡುತ್ತಿದ್ದಾರೋ ಗೊತ್ತಿಲ್ಲವೆಂದು ನಾನು ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಸಭೆಯಲ್ಲಿ ಜಿ.ತಿ. ಕಮಿಟಿ ವರದಿ ಚರ್ಚೆಗೆ ಬಂದಾಗ ಕಾಂಪ್ರೋಮೈಸ್ ಆಗಿ ಚೆನ್ನೆನ್‌ಸಿ ರಾ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಅದರಲ್ಲಿ ಸೀಲಿಂಗ್ ಲಮಿಟ್ ಸೇರಿತ್ತು. ಇದರಿಂದ ಗಂಡಸರನ್ನು ಹೆಂಗಸರನ್ನು ಮತ್ತು ಮಕ್ಕಳನ್ನು ಬೇರೆಯಲ್ಲಿ ಬರುವಹಾಗೆ ಮಾಡಬೇಡಿ. ಅದರಿಂದ ಈ ಕಾನೂನಿಗೆ ಸಂಬಂಧಪಡುವಂತೆ ತಂದಿರತಕ್ಕ ನಿಮ್ಮ ತಿದ್ದುಪಡಿ ದೋಷಪೂರಿತವಾದುದು. ಆ ರೀತಿಯಾದ ಒಂದು ದೂರ ದೃಷ್ಟಿಯನ್ನಿಟ್ಟುಕೊಂಡೇ ಅದನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ತಂದಿರುವುದು ಎಂಬುದಾಗಿ ಎಲ್ಲರಿಗೂ ಈಗ ಅರ್ಥವಾಗುತ್ತದೆ. ನೀವು ಯಾವ ರೀತಿಯಾದರೂ ಬದಲಿಗೆ

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಅದರಲ್ಲೂ ಗೇಣೀದಾರರನ್ನು ಬರೀ ಇಕ್ಕಳದಲ್ಲಿ ಸಿಕ್ಕಿಹಾಕಿ ಕೊಂಡಿರುವಹಾಗೆ ಮಾಡುತ್ತಿದ್ದೀರಿ. Dont plug your ears. ಇದು ಆಮೇಲೆ ದುಷ್ಕರೀಣಾಮವಾಗುತ್ತದೆ. ಅದಕ್ಕೋಸ್ಕರ ನಾನು ಪ್ರಾರ್ಥನೆ ಮಾಡುವುದೇನೆಂದರೆ ನೀವು ಇವತ್ತಿನ ದಿವಸ ಭೂಸುಧಾರಣೆಯನ್ನು ಬಂಡಿತವಾಗಿ ಮಾಡಬೇಕು. ಇಲ್ಲದೇ ಹೋದರೆ ಬೀದಿಯಲ್ಲಿ ಜನ ಏನಂದಾರು ಎಂದು ನಾನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತೇನೆ. ಈ ಕಡೆ ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಇದನ್ನು ಮಾಡುತ್ತಾರೆಂದು ಮುಂದಕ್ಕೆ ಹೋಗುವಹಾಗಿಲ್ಲ.

ಶ್ರೀ ಕದಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅದು ಸಾಧ್ಯವಿಲ್ಲ. I am capable of defending myself. ಆದರೆ ಆರೀತಿ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಮಾಡುವುದಕ್ಕೆ ಅಧಿಕಾರವಿಲ್ಲ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಏನು ಆದೇನು ಲಪ್ಪನ್ ಟೀನೋ ಅಥವಾ ಬ್ರೂಕ್ ಬಾಂಡ್ ಟೀನೋ ಒಂದುವೇಳೆ ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರು ಈ ಭೂಸುಧಾರಣೆ ಬೇಡಿ ಎಂದು ಏನಾದರೂ ಹೇಳಿದರೆ ಅವರ ಮಾತನ್ನಾದರೂ ಕೇಳಿ.

Sri H. M. CHANNABASAPPA.—On a point of personal explanation. Sri Muckannappa is very often saying whatever comes uppermost in his mind. It is better that a certain amount of restraint is exercised in making statements. Particularly making a reference to me he makes references which are not correct and fair.

Sri J. B. MALLARADHYA.—He gets inspiration when you are here.

ಅಧ್ಯಕ್ಷರು.—ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರು ಇಲ್ಲಿ ಇರದಿದ್ದರೆ ಅವರ ಬಗ್ಗೆ ನದಸ್ಯರು ಯಾವ ರೆಪರನ್ಸ್ ಮಾಡುವುದಿಲ್ಲ. ಅವಿಲ್ಲದ್ದರೇನೇ ಈರೀತಿ ಮಾನ್ಯ ನದಸ್ಯರು ಮಾತನಾಡುವುದು.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈಗೀಗ ಅವರಿಗೆ ಎರಡನೆಯ ಪೋರ್ಟ್‌ಪೋಲಿಯೊ ಬಂದಿದೆ. ತಮ್ಮ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಾನು ಈ 3 ತಿಂಗಳುಗಳಿಂದಲೂ ಮಾತನಾಡಿದ್ದೇನೆ. ಅವರ ಕಿವಿ ತುಂಬ ಈ ಭೂಸುಧಾರಣೆಯ ವಿಷಯವೇ ಆಗಿದೆ. ನಾನು ಅವರ ಅಭಿಪ್ರಾಯವನ್ನು ಬಡಾ ಬಂಡಿತವಾಗಿ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಇದರಿಂದ ಎಣ್ಣೆಯಲ್ಲಿ ಬಿದ್ದ ನೋಣದಹಾಗೆ ನಿಮ್ಮ ಮನಸ್ಸು ಉಂಟಾಗಿದೆಯಲ್ಲಾ ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರೇ ನೀವು ಮುಂದೆ ನಮ್ಮ ಪಕ್ಷದಲ್ಲಿರುತ್ತೀರೋ ಅಥವಾ ಅವರ ಕತೆಯೇ ಹೋಗುತ್ತೀರೋ ಗೊತ್ತಿಲ್ಲ. ನಿಮಗೂ ಈ ಅಸೈಯರ್ ಏಕೆ ಹುಟ್ಟಿತೋ ಗೊತ್ತಿಲ್ಲವಲ್ಲಾ ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರೇ!

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಇನ್ನೂ ಎರೆಕ್ಷನ್ ಬಹಳ ದೂರವಿದೆ. ಆದ್ದರಿಂದ ನೀವು ಸ್ವಲ್ಪ ನಿಧಾನವಾಗಿ ಮಾತನಾಡಬಹುದು. You need not be in such a hurry.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದು ಖತಾಬಂಡಿತವಾದ ಮಾತು. ಎರೆಕ್ಷನ್ನಿಗಾಗಿ ಜನರನ್ನು ಹುಡುಕುವುದಕ್ಕೋಸ್ಕರ ಇದನ್ನೆಲ್ಲಾ ಮಾಡುತ್ತಿದ್ದೀರಿ. ಯಾರೋ ಕೆಲವು ಜನ ಭೂಮಾಲೀಕರ ಅನುಕೂಲಕ್ಕಾಗಿ ಮತ್ತು ಗೇಣೀದಾರರನ್ನು ತಮ್ಮ ಒಂದು ಹತೋಟಿಯಲ್ಲಿಟ್ಟು ಕೊಂಡಿರುವುದಕ್ಕಾಗಿ ಇದೆಲ್ಲಾ ಮಾಡುತ್ತಿರುವಹಾಗೆ ಕಾಣುತ್ತಿದೆ. ಆದರೆ ನಿಮ್ಮ ಹಣೆಯ ಬರಹ ಏನಾಗುತ್ತದೋ ಎಂಬುದನ್ನು ತಾವು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಬೇಕು.

Sri KADIDAL MANJAPPA.—Is all this relevant for the purpose of disposing of this amendment? Every time the Hon'ble Member goes on speaking irrelevant things. Whenever an amendment is moved, he characterises me and my colleagues on this side.

ಅಧ್ಯಕ್ಷರು.—ಕ್ಯಾಜಿಗೆ ಸಂಬಂಧಪಟ್ಟಹಾಗೆ ಮಾತನಾಡಿ. ಆ ಪ್ರಕಾರವೇ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದೀರಿ. ಅದನ್ನು ಬಿಟ್ಟು ಈರಿತಿ ಮಾತನಾಡುತ್ತಿದ್ದರೆ ಅದು ಬೇರೆ ಪ್ರಶ್ನೆಯಾಗುತ್ತದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನನಗೆ ಭಾಷಣ ಮಾಡುವುದಕ್ಕೆ ಇದು ಒಂದೇ ಜಾಗವಲ್ಲ. ಅವರು ಏನೇನು ಮಾಡುತ್ತಿದ್ದಾರೆಂಬುದನ್ನು ಹೇಳುತ್ತಿದ್ದೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಕ್ಯಾಜಿಗೆ ಸಂಬಂಧವಿಲ್ಲದ ಹಾಗೆ ಮಾನ್ಯ ಸದಸ್ಯರು ಮಾತನಾಡುತ್ತಿದ್ದಾರೆಂಬ ಭಾವನೆ ಸರ್ಕಾರಕ್ಕೆ ಬರಬಾರದು. ಅರಿತಿ ಮಾತನಾಡಬೇಕು. ಆಯಾ ಕ್ಯಾಜಿಗೆ ಸಂಬಂಧ ಪಟ್ಟಹಾಗೆ ಹೇಳಬೇಕು.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಮದುವೆ ಮನೆಗೆ ಹೋಗಿ ತಿಥಿ ಮಂತ್ರಗಳನ್ನು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಜನತೆಯ ಹಿತರಕ್ಷಣೆಗೆ ಧಕ್ಕೆ ತರತಕ್ಕಂತಹ ಕಾನೂನುಗಳನ್ನು ರಚನೆ ಮಾಡುವಾಗ ಅವುಗಳ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಚೆನ್ನಾಗಿ ಮನದಟ್ಟಾಗುವಂತೆ ಹೇಳಬೇಕಾಗಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅದರ ವಿಷಯದ ಕೂಡ ಒಂದೇ ಮಂತ್ರವನ್ನು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ಅದರಲ್ಲಿ ವ್ಯತ್ಯಾಸವಿದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಜತ್ತಿ ಸಮಿತಿಯ ವರದಿ ಪುಟ 90ರಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ:—

“We therefore recommend that all tenants who had held land continuously for a period of six years prior to the date on which introduction of tenancy law in the area concerned was contemplated may be given an opportunity to apply within one year of the commencement of the new Act for restoration of the land. The date for computing this period of six years would be 1st January 1952 in respect of Mysore... ”

ಹೀಗೆ ಹೇಳಿರುವುದರಿಂದ ಈಗ ಆ ಮುಖ್ಯಮಂತ್ರಿಗಳೇನಾದರೂ ಇದಕ್ಕೆ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದಾರೇನು? ಇಲ್ಲ. ಅದ್ದರಿಂದಲೇ ನಾನು ಹೇಳುತ್ತಿರುವುದು ಮಲೇರಿಯಾ ಖಾಯಿಲೆಗೆ ಏನು ಔಷಧ ಕೊಡಬೇಕೋ ಅದನ್ನೇ ಕೊಡಬೇಕು.

Sri C. M. ARUMUGHAM.—Did he at any time in the course of the discussion refer to Jatti Committee Report? This is the first time he is referring. Is it not a new point?

Mr. SPEAKER.—I perfectly agree with him.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳು, ಮುಖ್ಯ ಮಂತ್ರಿ ಜತ್ತಿಯವರ ಹೇಳಿಕೆಯಮೇಲೆ ಈಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಲಾಗಿದೆ ಎಂತ ಏನೂ ಹೇಳಿಲ್ಲ. ಅಥವಾ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳು ತನ್ನ ಪರವಾಗಿ ತಂದಿದ್ದೇನೆಂದು ಅವರು ಎಲ್ಲ ಹೇಳಿದ್ದಾರೆ? ಈ ತಿದ್ದುಪಡಿ ನೋಡಿದರೆ ಈ ಆಡಳಿತಪಕ್ಷ ಈ ಗೇಣಿದಾರರ ವಿಚಾರದಲ್ಲಿ ಎಷ್ಟು ನಿರ್ಧಾರ ರಾಗಿದ್ದಾರೆಂಬುದು ಕಾಣುತ್ತಿಲ್ಲವೇ? ಆಡಳಿತ ಪಕ್ಷದವರು ನನ್ನ ಭಾಷಣವನ್ನು ಎಲೆಕ್ಷನ್ ಭಾಷಣವೆಂತ ನಂಬಿದ್ದರೆ ಅವರು ಈ ಸುಧಾರಣೆಗಳನ್ನೆಲ್ಲ ಆ ಎಲೆಕ್ಷನ್ ಮುಗಿಯುವ ತನಕ ಹಾಗೇ ಮುಚ್ಚಿಡಲಿ—ಆ ಎಲೆಕ್ಷನ್‌ಗಳೆಲ್ಲ ಮುಗಿದಮೇಲೆ ನಾವು ಈ ಸುಧಾರಣೆಗಳನ್ನು ಚರ್ಚೆ ಮಾಡಿ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಳ್ಳೋಣ. ಇದರಿಂದ ಚೆನೆಂಟ್ಸ್‌ಗಳಿಗೆ ಬಹಳ ದುಷ್ಪರಿಣಾಮವಾಗುತ್ತೆ. ಅವರ ಹಕ್ಕನ್ನು ಕಿತ್ತುಕೊಳ್ಳಬಾರದು. ಅವರ ವಿಷಯ ಅನ್ನು ಬಟ್ಟೆಗಳಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಈ ತಿದ್ದುಪಡಿ ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

† ಶ್ರೀ ಕದಿದಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ಯಾಂಬಿ, ಶ್ರೀ ಮುಕ್ಕಣ್ಣಪ್ಪನವರು ಬಹಳ ರಭಸದಿಂದ ಮಾಡಿದ ಭಾಷಣವನ್ನು ಕೇಳಿದೆ. ದೇವರು ಅವರಿಗೆ ದೊಡ್ಡ ಬಾಯಿಯನ್ನು ಕೊಟ್ಟಿದ್ದಾನೆ. ಅದಕ್ಕೆ ನನ್ನ ಅಸೂಯೆಯೇನಿಲ್ಲ. ಆದರೆ ಅವರ ವಿಚಾರದಲ್ಲಿ ನಾನು ಅನೇಕ ವೇಳೆ ವಿಚಿ ಮಾಡು ತ್ತೇನೆ. ಕಾರಣವೇನೆಂದರೆ ಅವರು ಒಂದೊಂದು ಸಾರ್ತಿಯಾದರೂ ಅವರ ಬಾಯನ್ನು ಸದುಪಯೋಗ ಪಡಿಸಿಕೊಳ್ಳುತ್ತಿಲ್ಲವಲ್ಲ ಎಂದು. ಈ ದಿವಸ ರಾಜ್ಯದಲ್ಲಿರುವ ಗೇಣೀದಾರರ ಕಾನೂನಿನ ಪ್ರಕಾರ ಯಾವುದಾದರೊಬ್ಬ ಗೇಣೀದಾರನ ವಶದಲ್ಲಿರತಕ್ಕ ಜಮೀನನ್ನು ಜಮೀನು ದಾರರು ಅಕ್ರಮವಾಗಿ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದರೆ ಅದನ್ನು ರಿಸ್ಕೊ ಮಾಡಲಿಕ್ಕೆ ಈಗಿರತಕ್ಕ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿರಲಿಲ್ಲ. ಈ ಬಗ್ಗೆ ಜತ್ತಿ ಸಮಿತಿ ವರದಿಯಲ್ಲಿ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶ ಮಾಡಲು ಶಿಫಾರಸ್ಸುಗಳಿರುತ್ತವೆ. ಆ ವಿಚಾರವನ್ನು ಈಗಿನ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರೂ ಸಹ ಈ ವರದಿಯಲ್ಲಿ ಅಡಕ ಮಾಡಿದ್ದಾರೆ. ಈ ಒಂದು ತೊಂದರೆಯ ಪರಿಹಾರಕ್ಕಾಗಿ 1952 ರಿಂದ ಎಂತ ತಾರೀಖನ್ನು ನಿಗದಿಮಾಡಿದರೆ ಆಗ ಹಿಂದೆ ಆಗಿರತಕ್ಕ ವ್ಯವಹಾರಗಳನ್ನು ಈಗ ರೀಟರ್ನ್ ಮಾಡಲು ಬರುತ್ತದೆ. ಆದರೆ ಅದಕ್ಕೆ ಈಗ ಒಂದೊಂದು ಪ್ರದೇಶಕ್ಕೆ ಒಂದೊಂದು ತಾರೀಖನ್ನು ನಿಗದಿ ಮಾಡಿತ್ತು. ಈ ಹಿಂದೆ ಆ ಜತ್ತಿ ಸಮಿತಿ ವರದಿಯು ಪ್ರಕಟವಾದ ತಾರೀಖಿನಿಂದ ಈಗ ನಿಗದಿ ಮಾಡಿರುವ ತಾರೀಖುಗಳವರೆಗೆ ಎಲ್ಲೆಲ್ಲ ಜಮೀನನ್ನು ಜಮೀನುದಾರರು ಅಕ್ರಮವಾಗಿ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದಲ್ಲಿ ಅದನ್ನು ರಿಸ್ಕೊ ಮಾಡಿಕೊಳ್ಳಲು ಇದರಿಂದ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಆದರೆ ಈ ಸಂದರ್ಭದಲ್ಲಿ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ಈ ತಾರೀಖನ್ನು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿ ರಿಪೋರ್ಟ್ ಹೊರಗೆ ಬಂದನಂತರ.....

ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—ಅದು ಯಾವಾಗ ?

Sri KADIDAL MANJAPPA.—The Hon'ble Member must know that we are functioning in a democratic set-up. I have already studied this question. You are not making the Minister a dictator or the Chief Minister to enact a law. If the House can give power either to me or to the Chief Minister, you can find fault with us. We have to adjust. You had in the course of the discussion made certain suggestions. I have tabled some amendments atleast to adjust or to meet the wishes of the Opposition also. I have tabled several amendments after listening to the debate. In fact the amendment relating to plantations, small holders have been brought after hearing to the discussion. ಇದುವರೆಗೂ ಇಂಥ ಒಂದು ಪ್ರಾವಿಜನ್ ಇರಲಿಲ್ಲ. ರಾಜ್ಯದ 4-5 ಭಾಗಗಳಿಗೆ 3-4 ತಾರೀಖನ್ನು ನಿಗದಿ ಮಾಡಿದ್ದರಿಂದ ಈ ರ್ಯಾಂಡ್ ರಿಸ್ಕೊ ಮಾಡಲು ಅವಕಾಶವಿರಲಿಲ್ಲ. ಈ ತೊಂದರೆಯನ್ನು ನಿವಾರಣೆ ಮಾಡಲು ಇಡೀ ರಾಜ್ಯಕ್ಕೆಲ್ಲ ಒಂದು ರೇಟನ್ನು ಫಿಕ್ಸ್ ಮಾಡುವುದು ಉಚಿತವಾಗಿ ಕಾಣುತ್ತದೆ. ಎಲ್ಲರ ಅಭಿಪ್ರಾಯವನ್ನೂ ಕೊಡೀಕರಿಸಿ ಈಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಲಾಗಿದೆ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—1952ನೇ ಜನವರಿ ಒಂದನೇ ತಾರೀಖಿನರಾಗಾಯ್ತು ಎಂದು ಈ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರ ವರದಿ ಹೊರಬಿದ್ದು ತಾರೀಖಿನ ತನಕ ಎಂತ ಹೇಳಿದರೆ ಅದರಿಂದ ಆಗತಕ್ಕ ತೊಂದರೆಯಾಗಲೇ—ಅನಾಹುತವಾಗಲೇ ಏನು ?

12-00 Noon.

Sri M. C. NARASIMHAN.—So far as I remember, nobody suggested like that. If it is suggested, it should be a common date.



Sri KADIDAL MANJAPPA.—A common date was suggested no doubt. There is nothing for a Minister to accept the wishes of the majority of the members who constitute the majority party. It is not peculiar to Mysore. Honourable Members are finding fault with me and the party that I am dictated by the party. What is wrong with it?

Sri J. B. MALLARADHYA.—That is our misfortune.

Sri KADIDAL MANJAPPA.—I am here on account of the party : I must carry out the wishes of the party.

Sri J. B. MALLARADHYA.—We are very grateful for your being sincere. You have always been sincere : but we feel sorry for your helplessness ; but you can force your will in public interests.

Sri KADIDAL MANJAPPA.—There is some limitation for guiding the party. In some cases, the party will listen to us ; in some other cases I will have to respect the wishes of the party and in some cases, the views of the Opposition.

Sri J. B. MALLARADHYA.—The pity of it is, more of them you are dictated by the party. You have not even now convinced us that it is not to the disadvantage of the ryots and are you going to perpetuate the disadvantage by changing the dates.

Sri KADIDAL MANJAPPA.—I can quote a number of instances where the Select Committee members have spoken contrary to the recommendations of the Select Committee.

Sri J. B. MALLARADHYA.—Here is one concrete instance where you have departed from the recommendation of the Select Committee for no valid reason.

Mr. SPEAKER.—The question is :

“That in sub-clause (1)—

(a) for the words ‘land in any area’, the words ‘any land’ shall be substituted ;

(b) for the words ‘date specified in sub-section (2) in respect of such area’, the words ‘date specified in sub-section (2) in respect of such area’ the words and figures ‘tenth day of September, 1957’, shall be substituted.”

*The motion was adopted*

Sri B. SHAMSUNDAR.—I press for a division.

Mr. SPEAKER.—If he wanted to ask for division we should have done it at the proper time. I waited for a while but he did not ask for a division when I said finally that ‘Ayes have it’ that is an end of the matter.

Amendments Nos. 58 and 59. Sri G. Venkatai Gowda. He is not present. Amendment No. 60.

Sri M. C. NARASIMHAN.—Sir, I move :

“That in sub-clause (1) for the words ‘as a tenant for a period of six consecutive years before’ the words ‘as a tenant on’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“That in sub-clause (1) for the words ‘as a tenant for a period of six consecutive years before’ the words ‘as a tenant on’ shall be substituted.”

†Sri M. C. NARASIMHAN.—The point that I wish to bring to the attention of this House through this amendment is that the protection so far as tenants are concerned, should be given even for those who are tenants on the appointed day. The period of six years prior to the date specified in sub-clause (2) is too long a period. You insist actually that it should be the date on which various dates are mentioned in sub-section (2). Formerly it was 1st January. Now in view of other amendments which have been moved to sub-section (2) and which appeared to have been accepted by the House, if it is six years prior to 10th September 1957, it would mean that they are virtually protected tenants on the date that is, prior to 10th September 1957 they ought to have been protected tenants. So actually the records and all that will have to be traced to a period not long ago as the year 1951; it would be a very difficult thing under the circumstances and especially I am very particular about this because in this clause the protection that is granted, is as I said, illusory. Because the burden of proving the thing is on the tenant who has no record and who has to prove all this again the powerful landlord who can manipulate the records. When that is the position, it is very difficult. It may be all right in Bombay area where the tenancy records were kept in a fairly good measure; but that is not the position in other areas. Under the circumstances, there is no valid reason to date it as far back as the year 1951. Perhaps, at that time the tenancy legislation was not even thought of in very many States except perhaps Bombay and to some extent Hyderabad. Therefore, I suggest that six year period need not be insisted upon. It is sufficient if a person has been evicted even on 10th September 1957.

Sri KADIDAL MANJAPPA.—The amendment is not acceptable.

Mr. SPEAKER.—The question is :

“That in sub-clause (1) for the words ‘as a tenant for a period of six consecutive years before’ the words ‘as a tenant on’ shall be substituted.”

*The amendment was negatived.*

Sri M. C. NARASIMHAN.—Sir, I move:

“That in sub-clause (1) for the words ‘on the same terms and conditions as he held the land’ on terms and conditions

deemed to be fair by the Tribunal and subject to the provisions of this Act' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (1) for the words 'on the same terms and conditions as he held the land' the words 'on terms and conditions deemed to be fair by the Tribunal and subject to the provisions of this Act' shall be substituted."

†Sri M. C. NARASIMHAN.—Sir, Clause 7 (1) seems to suggest that the restoration of the tenancy should be on the same terms and conditions as the tenant held the land before such dispossession. *Prima facie* it looks absurd to me because it would be unfair. In the year 1950-51 the rent and conditions were entirely different. The idea now crystallised is different. We have provided for a fair measure of protection to the tenant and regulated the rent in a more advantageous manner to the tenant. So, if the restoration is on the same conditions, we would be creating two sets of tenants. My amendment puts all the tenants on the same category.

Sri V. SRINIVASA SHETTY.—Sir, I think this is a very simple measure and I hope the Revenue Minister will concede. Supposing, the tenant was paying a high rate of rent originally; he will get back the rent on the same conditions. So, why not a tribunal fix a fair rent? I think this has escaped the attention of the Minister and I hope, he will concede this point and accept the amendment.

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಇದರ ಮೇಲೆ ಬಹಳ ವ್ಯಾಖ್ಯಾನ ಮಾಡಬೇಕಾಗಿದೆ. ಇದು discremanatory Section. ಒಬ್ಬರಿಗೊಂದು ಇನ್ನೊಬ್ಬರಿಗೊಂದು. Dispossess ಆಗುವುದಕ್ಕೆ ಮುಂಚೆ ಏನು ಗೇಣಿ ಕೊಡುತ್ತಿದ್ದದ್ದೋ ಅದನ್ನೂ ಕೊಡಬೇಕು, ಮುಂದೆ ಬರುವವುಗಳೆ ಕಾಲಾಭಾಗ ಎಂದು ಹೇಳುವರೆ ಇದರ ಉದ್ದೇಶವೇನು? ಈಗ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ನರಸಿಂಹನ್ ಅವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನೂ ಒಪ್ಪಿಕೊಳ್ಳಿ, ಇದು ಸರ್ವಸಮ್ಮತವಾದುದು.....

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಏಕೆ ಇಷ್ಟೊಂದು ತೀವ್ರವಾಗಿ ತಲೆಕೆಡಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೋ ಗೊತ್ತಿಲ್ಲ. If I were the Minister incharge—I would have accepted Sri Narasimhan's amendment in full. This is so simple a matter. ಏನಾದರೂ ತೊಂದರೆ ಇದ್ದರೆ ಹೇಳಲಿ.

Sri KADIDAL MANJAPPA.—Sir, this refers to application and not to restoration. The question of restoration arises in sub-clause (3) I suggest that "on the same terms and conditions as he held the land before such dispossession" may be deleted. Then, it would be all right.

Mr. SPEAKER.—Now that the intention is carried, I think the amendment may be withdrawn and the Minister may move it as a fresh amendment.

Sri M. C. NARASIMHAN.—I withdraw the amendment.

*The amendment was, by leave of the House, withdrawn.*

Sri KADIDAL MANJAPPA.—I move:

“That the words ‘on the same terms and conditions as he held the land before such dispossession’ be deleted.”

Mr. SPEAKER.—The question is:

“That the words ‘on the same terms and conditions as he held the land before such dispossession’ be deleted.”

*The amendment was adopted.*

#### ITEM: No. 6

Sri KADIDAL MANJAPPA.—Sir, I beg to move:

“That sub-clause (2) shall be deleted and sub-clauses (3) and (4) shall be renumbered as sub-clauses (2) and (3), respectively.”

Mr. SPEAKER.—The question is:

“That sub-clause (2) shall be deleted and sub-clauses (3) and (4) shall be renumbered as sub-clauses (2) and (3) respectively.”

*The amendment was adopted*

Mr. SPEAKER.—Amendment No. 63. will be attended to by the Office. Amendment No. 65. may be taken:

Sri M. C. NARASIMHAN.—Sir, I beg to move:

“That item (a) of sub-clause 3 shall be deleted.”

Mr. SPEAKER.—Amendment moved:

“That item (a) of sub-clause (3) shall be deleted.”

†Sri M. C. NARASIMHAN.—Sir, I do not wish to dwell at length on this question. In so far as sub-clause (a) is concerned, it requires that the person who applies for a possession should prove that the surrender was due to misrepresentation or undue influence. ‘undue influence’ is very difficult to prove. According to the reports of investigation, I am having in mind the Gokhale Institute of Politics and Economics—they found that all the surrenders were voluntary and it was very difficult to prove undue influence or fraud. Undue influence or fraud committed some where in 1951 is certainly difficult to prove. Even normally, undue influence is very difficult to prove to the satisfaction of any judicial authority, much more so in the case of a tenant if you put the date as far back as 1951.

Sir, there is a confusion of voluntary surrender. All surrenders have been deemed as voluntary surrenders. In the Bombay Tenancy Act of 1948, all surrenders were taken as voluntary surrenders. In Hyderabad also, it happened. So, Sir, bringing this question again and trying to shift the burden of proof on the poor tenant and saying that he should prove undue influence is only a mirage. You are only fooling the tenant and saying that you are conferring a benefit on him.

It is very difficult for him to prove. I can straightaway say there is really no right conferred on the tenant as claimed by the Government or the Revenue Minister.

Sri V. S. PATIL.—I move:

“That the proviso to sub-clause (3) shall be deleted”

Mr. SPEAKER.—Amedment moved:

“That this proviso to sub-clause (3) shall be deleted”

Sri V. S. PATIL.—So far as this amendment is concerned, I should say that the deletion of the proviso is very material and an important thing. We have got experience on this, since the inception of the tenancy laws in Bombay and also in Hyderabad. Thousands of tenants have been evicted by various means by the landlords. The worst thing that has happened is that the tribunal that is the Tahsildars in Bombay and other areas were invested with these powers and all of them were coming from the rich landlord classes or the land-owner class and none of them from the tenant-class. So, whenever the point came before those authorities the picture of their own lands were before them and they were thinking that in case they did not decide in favour of the landlord what would become of my land which is in my village. This is the consideration that weighed in the minds of those people and that is why, the surrenders, especially the so-called surrenders have been unanimously and wholesale sanctioned by those authorities. You will find that thousands of such cases are there Sir, wherein surrender is obtained by the landlord under pressure from the tenant and then that surrender is certified by the Tahsildar. And what is the way in which, these Tahsildars have certified? Simply he takes the tenant who is the bounden slave of the landlord and he produces him before the authorities; and the only question that was asked by those authorities was, whether the tenant tendered the surrender and whether it was voluntary. These are the only two or three sentences that were uttered and the tenants were forced to admit before those authorities the voluntary nature of the surrender. In fact Sir, even though surrenders have been sanctioned and names of the tenants have been deleted from the Record of rights, still these tenants have been cultivating these lands at the mercy of the landlords. On the basis of the entries recorded in the Record of Rights, he can claim the benefit of rent. All these things have disappeared and now he has become practically a serf; and he is at the mercy of the landlord who takes any rent he likes from his tenants. In order to avoid or at least to ameliorate to some extent, these provisions are necessary This proviso to sub-section (3) takes away all the rights that have been given or attempted to be given to the tenants who have been evicted by the landlord. If this proviso remains, it is an impossibility. I assure you Sir, in all my experience as a lawyer for the last 32 years, not a single tenant will be able to prove that fraud or coercion or undue influence was exercised on him. It is a very difficult thing to prove in a court of

(Sri V. S. PATIL)

law. It is difficult to prove to the satisfaction of the court that a particular thing has been committed—fraud or coercion or undue influence. It is an impossibility. As against the landlord, the tenant class is a subordinate class. It is a class which is suffering under a disability of both illiteracy and poverty as well as dependents. So, if this proviso remains, then the very purpose for which sub-clauses (1) and (2) have been enacted will be rendered nugatory and will be a mere eye-wash to say to the people that we have done something for the tenant class for getting restoration of the land. The whole purpose of sub-clauses (1) and (2) will be defeated if this proviso is retained. So I submit that the amendment moved by my friend Sri Narasimhan may be accepted in the interest of justice and the class for which this enactment is being enacted.

12-30 P.M.

†Sri V. SRINIVASA SHETTY.—I do not know why there should be so much repetition. You know that the tenant will not be able to do all these, but still there is a repetition of this very idea in the clause itself. It says "...if it is satisfied that such dispossession took place as a result of (a) surrender and the consent of the tenant was produced by fraud, misrepresentation or undue influence or pressure of any kind whatsoever or was otherwise in contravention of the provisions of the law applicable for the time being..." That has to be proved by the tenant. Then the next sub-clause (b) says: "expiry of the duration of tenancy". That I can understand. Then I should like to invite the attention of the Minister to sub-clause (c) "any act of the landlord or any person acting on his behalf without recourse to a court of law or in contravention of any provision of law". When the same reason is given in sub-clause (c), I do not know why the same should be repeated in sub-clause (a) also. I do not know why the tenant is required to prove all these twice. For whose benefit is all this being enacted. If the Minister says that the tenant will benefit by these innumerable safeguards which you have provided, I will be satisfied. In any case I think sub-clause (c) covers all the cases and so sub-clause (a) is redundant.

†Sri KADIDAL MANJAPPA.—This sub-clause was inserted in the report of the Select Committee after a good deal of discussion. My two friends who are now very vociferous were also there. Sub-clause (3) reads:

"On receipt of an application under sub-clause (1), the Tribunal shall inquire into the circumstances in which and the procedure under which such dispossession took place and if it is satisfied that such dispossession took place as a result of—

(a) surrender and the consent of the tenant was procured by fraud, misrepresentation or undue influence or pressure of any kind whatsoever or was otherwise in contravention of the provisions of the law applicable for the time being; or

(b) expiry of the duration of tenancy; or

(c) any act of the landlord or any person acting on his behalf without recourse to a court of law or in contravention of any provision of law.

(a) says that "surrender and the consent of the tenant was procured..." Surrender could have taken place having recourse to a court of law. But suppose the surrender has taken place on account of undue influence or fraud in contravention of the provisions of law.

Sri V. SRINIVASA SHETTY.—If it is against the provision of the law it is liable to be set aside.

Sri KADIDAL MANJAPPA.—There is a provision of law in a certain enactment that the surrender should take place according to the procedure prescribed in that law. All that procedure might have been followed, but if the consent or the surrender had been obtained by fraud or undue influence.

Sri V. SRINIVASA SHETTY.—Then the affected party is entitled to say: "my consent was obtained by fraud".

Sri KADIDAL MANJAPPA.—The Select Committee has wisely chosen to retain this sub-clause.

Mr. SPEAKER.—The question is:

"The item (a) of sub-clause (3) shall be deleted."

*The amendment was negatived.*

Mr. SPEAKER.—Before we rise I would like to inform the House that the third reading of the Bill is proposed to be finished by the 12th evening, setting longer hours if necessary.

The House now adjourns and will meet at 8-30 A.M. on Monday.

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*The House adjourned at Forty Minutes past Twelve of the Clock to meet again at Thirty Minutes past Eight of the Clock on Monday, the 11th September 1961.*

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